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**POLITICAL PRISONERS AND PRISONERS OF WAR
IN THE UNITED STATES**

PETITIONERS,

—against—

**THE GOVERNMENT OF THE UNITED STATES OF AMERICA,
GEORGE BUSH, PRESIDENT,
RICHARD THORNBURGH, ATTORNEY GENERAL,
WILLIAM SESSIONS, DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION,
WILLIAM WEBSTER, DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY,
MICHAEL QUINLAN, DIRECTOR OF THE BUREAU OF PRISONS,
THE DIRECTOR OF THE FEDERAL PAROLE BOARD,
THE GOVERNORS, DIRECTORS OF THE PRISONS AND DIRECTORS OF THE PAROLE
BOARDS OF EACH STATE WHEREIN POLITICAL PRISONERS OR PRISONERS OF WAR ARE
INCARCERATED:**

Defendants.

**PETITIONERS DO HEREBY CHARGE THE
ABOVE-NAMED DEFENDANTS AS FOLLOWS:
SUMMARY OF CHARGES**

1. The above named defendants and their predecessors¹ are charged with the denial of self-determination, failure to comply with fundamental laws and principles of international law and human rights, and using their criminal justice system to imprison and repress those who seek national liberation and/or oppose U.S. foreign and domestic policies. The indictment also charges the defendants with illegal and arbitrary arrests and detentions, denial of fair trials, cruel, inhuman and degrading treatment of prisoners and conspiracy to commit the above acts.

JURISDICTION

2. Jurisdiction is conferred on this Tribunal pursuant to accepted principles of international law approved and adopted by the world community in the charter of the United Nations and utilized by the world community in convening such extraordinary tribunals as that convened in Nuremburg in 1949.

¹ Hereinafter defendants means defendants and their predecessors.

Jurisdiction to hear the crimes alleged herein is also inherent in those provisions of International Law set forth in paragraphs 16-18 herein.

3. Petitioners are presently incarcerated because they oppose the colonial, imperialist, racist, repressive, authoritarian, militaristic, sexist or homophobic conduct of the United States government or are involved in a national liberation struggle.

4. Petitioners have been denied or deprived of all available remedies within the U.S. judicial system and therefore appeal to the International Community pursuant to accepted principles of international law and fundamental human rights.

THE PARTIES

5. The petitioners are political prisoners and prisoners of war.

a. A "political prisoner" is a person who is incarcerated as a result of her/his activity in opposition to injustices perpetrated by the United States government and its political subdivisions.

b. A "prisoner of war" is a person incarcerated because of her/his actions as combatants in a movement seeking liberation from the United States.

COUNT I

DENIAL OF THE RIGHT TO SELF-DETERMINATION

6. The defendants have engaged in the following acts against the legitimate national liberation movements of Blacks in the U.S./ New Afrikans, Mexicano, Native American, and Puerto Rican peoples:

a. the refusal to recognize the legitimacy under established principles of international law, of the national liberation movements;

b. the refusal to apply the principles of the Geneva Convention to persons involved in these national liberation movements;

c. the use of U.S. criminal laws to imprison persons involved in these national liberation movements for acts which are political in nature and in furtherance of the self-determination of their respective peoples;

d. the targeting and repression of persons who support these movements for national liberation.

7. With respect to Blacks in the U.S./New Afrikans the defendants have engaged in the following acts:

a. have since the earliest days of U.S. history, enslaved and colonized people of African descent;

b. have engaged in a systematic pattern of infiltrating, subverting, repressing and criminalizing the activities of organizations which fight for the liberation of Blacks in the U.S./New Afrikans including, among others, the Black Panther Party, the Black Liberation Army, the Revolutionary Action Movement, MOVE, the Nation of Islam, the Republic of New Afrika, the Southern Christian Leadership Conference and the Student Non-violent Coordinating Committee;

c. have suppressed all attempts by people of African descent to establish a sovereign nation within the geographic borders of the United States;

d. have instituted and engaged in unconstitutional and illegal programs and actions, such as COINTELPRO, which were designed to disrupt or neutralize the activities of organizations involved in the liberation struggle of Blacks in the U.S./New Afrikans i.e. the murder of Black Panther leaders Fred Hampton and Mark Clark; the bombing of the MOVE headquarters and killings of MOVE members;

e. have illegally imprisoned members of organizations dedicated to the liberation of Blacks in the U.S./New Afrikans like Dhoruba Bin Wahad (who spent nearly 20 years in jail) and continue to imprison members of organizations dedicated to the liberation of Blacks in the U.S.; there are more than fifty (50) incarcerated today;

f. have refused and continue to refuse to recognize the status of these people as political prisoners or prisoners of war.

8. With respect to Mexicano people, the defendants have engaged in the following acts:

a. have taken, expropriated and annexed fifty percent of the Mexicano national territory through an illegal and unjust war leading to the division of the Mexicano nation and United States occupation of the Northern territory of Mexico;

b. have, since the U.S. aggression against Mexico, enslaved and colonized Mexicano people;

c. have suppressed all attempts by Mexicano people to obtain self-determination in their ancestral homeland;

d. have maintained a military border dividing the Mexicano nation and people;

e. have created and maintained a special federal police force, the United States Border Patrol, who control/stop/contain the migration of Mexicanos in their homeland;

f. have allowed, permitted and condoned the existence of white supremacist groups which have carried out terrorist acts against the Mexican people within their occupied homeland;

g. have engaged in a systematic pattern of infiltrating, subverting, repressing and criminalizing the activities of organizations which fight for the liberation of the Mexicano homeland;

9. With respect to Native American people, the defendants have engaged in the following acts:

a. have, since the earliest days of European colonization, stolen and expropriated their land and have enslaved and colonized the people of Native American descent;

b. have refused to honor and recognize the sovereignty of Native American peoples and have suppressed all their attempts to preserve their sovereign nations;

c. have engaged in a systematic pattern of infiltrating, subverting, repressing and criminalizing the activities of organizations which fight for the liberation of Native American people including, among others, the American Indian Movement (AIM);

d. have instituted and engaged in unconstitutional and illegal programs and actions, such as COINTELPRO, designed to disrupt or neutralize organizations involved in the liberation struggle of Native American people, i.e., the continued false imprisonment of Leonard Peltier and the U.S. military siege of Wounded Knee.

10. With respect to Puerto Rican people, the defendants have engaged in the following acts:

a. have, since 1898, enslaved and colonized the people of Puerto Rico;

b. have refused to recognize the right of Puerto Rico to self-determination and independence;

c. have suppressed all attempts by the Puerto Rican people to reclaim their sovereignty;

d. have engaged in a systematic pattern of infiltrating, subverting, repressing and criminalizing the activities of organizations which fight for the liberation of Puerto Rican people including, among others, the Fuerzas Armadas de Liberación Nacional (FALN) and El Ejército Popular Boricua (Los Macheteros);

e. have instituted unconstitutional and illegal programs and actions such as COINTELPRO, which were designed to disrupt or neutralize organizations involved in the movement for the liberation of Puerto Rico;

f. have imprisoned members of organizations dedicated to the liberation of Puerto Rican people i.e., Rafael Cancel Miranda, Oscar Collazo, Andres Figueroa Cordero, Irving Flores, Lolita Lebrón, each of whom spent more than twenty-five (25) years in U.S. jails; and seventeen (17) political prisoners and prisoners of war currently incarcerated;

g. have refused and continue to refuse to recognize the prisoner of war status.

COUNT II

CRIMINALIZATION OF EURO-AMERICANS FOR BEHAVIOR PROTECTED UNDER INTERNATIONAL LAW

11. There are Euro-American people in the U.S.A. who have acted in solidarity with the national liberation struggles described in Count I as well as national liberation struggles throughout the world. They and other Euro-Americans have struggled for peace, against racism, equal human rights for women and lesbian and gay people and against the massive military and nuclear build-up of the United States government. They base their actions on their duty under international law, including the 1949 findings of the Nuremburg Tribunal and/or religious beliefs.

12. With respect to the foregoing individuals, the defendants have engaged in the following acts.

a. have criminally prosecuted and repressed the activity of persons and/or organizations which acted in solidarity with national liberation struggles and/or for human rights and peace;

b. have instituted unconstitutional and illegal programs and actions, such as COINTELPRO, which were designed to disrupt or neutralize organizations such as Students for a Democratic Society, Vietnam Veterans Against the War, the United Freedom Front, the Plowshares Movement and the women's movement;

c. have imprisoned members of these and other organizations;

d. have refused to recognize the status of these persons as political prisoners.

COUNT III

GENOCIDE

13. The defendants have engaged in a pattern of conduct against African American, Mexicano, Native American, and Puerto Rican people which constitute genocide against these peoples. Included in the defendants' conduct is:

a. the killing and causing of serious bodily harm to members of these nationalities;

b. the deliberate infliction on these nationalities of conditions of life calculated to bring about their physical destruction in whole or in part;

c. the imposition of measures intended to prevent births within these nationalities;

d. the suppression of the languages, cultures, and true histories of these nationalities.

COUNT IV

DEPRIVATION OF FUNDAMENTAL RIGHTS

14. The defendants have falsely accused, arrested and convicted petitioners because of their opposition to colonialism and U.S. foreign and domestic policies and have committed the following acts:

- a. have denied reasonable bail;
- b. have labeled people who oppose colonialism and U.S. policies as a "danger to the community" and therefore eligible for preventive detention;
- c. have imprisoned people who refuse to cooperate with secret grand juries convened to investigate people and movements who oppose colonialism and U.S. policies;
- d. have employed overbroad conspiracy and seditious conspiracy statutes to unfairly prosecute people who oppose U.S. colonialism and other U.S. policies;
- e. have employed anonymous petit juries, where names and addresses are withheld from the accused, to prejudicially imply that the accused is dangerous and guilty;
- f. have used prejudicial court security measures to give the impression the accused is dangerous and guilty;
- g. have denied the accused effective access to counsel or counsel of their choice and have used illegal surveillance of attorney-client communications;
- h. have limited and/or denied the right of the accused to present a full defense, including the use of international law;
- i. have allowed the prosecution to submit secret government evidence in camera;
- j. have denied people involved in national liberation movements the right to be tried in the venue of their struggle;
- k. have meted out grossly disproportionate sentences to people who oppose colonialism and U.S. policies;
- l. have employed the threat of a death sentence and imposed death sentence on people who oppose U.S. policies to suppress political opposition;
- m. have denied parole or other discretionary release because of people's affiliation, activities and beliefs.

COUNT V

CRUEL, INHUMAN AND DEGRADING TREATMENT

15. The defendants have subjected political prisoners and prisoners of war to a variety of conditions in prison designed to break their will to resist, intimidate them from or punish them for persisting in their political beliefs and affiliations with movements and/or organizations which resulted in their incarceration, including, among other things:

- a. physical assault;
- b. long term isolation in solitary confinement, administrative segregation, sensory deprivation, and specialized control units;

- c. denial and restriction of visitation, harassment of families, and detention and interrogation of prisoners' children;
- d. arbitrary and unwarranted cavity probes and strip searches, including such searches of women prisoners by male staff;
- e. arbitrary transfers from one prison to another, and to prisons far from family and community;
- f. denial of adequate medical care; including denial of adequate diet;
- g. overt racist threats, epithets and discrimination;
- h. denial of religious worship, and diet, particularly for Muslim and Native American prisoners;
- i. denial of access to programs and privileges available to social prisoners;
- j. denial of access to and censorship of literature related to their movements and political beliefs;
- k. punishment for speaking out and organizing against racist, sexist, and homophobic prison policies and in support of prisoners with AIDS;
- l. arbitrary use of the prison disciplinary system.

VIOLATIONS OF LAW

16. On Violations of Law with respect to political prisoners and those claiming status as prisoners of war, the defendants, acting individually and severally have illegally denied the petitioners' rights protected by International Law under United Nations Charter, Articles 1(2) 55,56; Universal Declaration of Human Rights, Articles 1,2,3,4,5,6,7,8,9,10,11,12,18,19,25,26 and 28; International Convention on the Elimination of All Forms of Racial Discrimination, Articles 1,2,3,4,5 and 6; International Covenant on Civil and Political Rights, Part I, Article I.1, Part II, Article 2.3 (a) (b) (c), Article 3, Article 5.1, 5.2; Part III, Article 6.1, 6.2, Article 7, Article 8.1, 8.2, 8.3, Article 9.1, 9.2, 9.3, 9.4,9.5, Article 10.1, 10.2 (a), 10.2 (b), 10.3; Article 14.1, 14.2, 14.3 (a) 14.3 (b), 14.3 (c), 14.3 (d), 14.3 (e), 14.3 (f), 14.3 (g), 14.6; Article 16,17,18,19.1, 19.2, 26 and 27; International Covenant on Economic, Social and Cultural Rights, Part I, Article 1.1, Part II, Article 2.1, 2.2, Part III, Article 6, Article 7(a), Article 11, Article 12.1, 12.2 (d) and Article 13.1; Convention on the Prevention and Punishment of the Crime of Genocide; Standard Minimum Rules for the Treatment of Prisoners; Declaration on the Protection of All Persons from being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

17. As to the petitioners claiming status as prisoners of war, the defendants, acting individually and severally, have illegally denied the petitioners' rights protected by International Law including, among others: the right of self-determination under United Nations Charter, Article 1.2 and General Assembly Resolutions 1514 (XV) and 2625 (XXV); Resolution 2621 (XXV) reaffirming "the inherent right of colonial people to struggle by all necessary means at their disposal against colonial powers which suppress their aspiration for freedom and independence;" Resolution 3103 (XXVIII) stating basic principles of the legal status of combatants struggling against colonialism; the Geneva Convention; the International Bill of Rights; the International Convention Covenant on Economic, Social and Cultural Rights, Article I; the International Covenant on Civil and Political Rights, Article I; the Geneva Conventions of 1949 and the Protocols thereto.

18. With respect to the political prisoners who have not claimed prisoner of war status, the defendants, acting individually and severally as set forth above, have illegally violated the petitioners' constitutional and statutory rights enumerated below: the rights of the petitioners to fundamental due process under the Fifth and Fourteenth Amendments to the Constitution of the United States and the equivalent provisions in State Constitutions, equal protection of the laws under the Fifth and Fourteenth Amendments to the Constitution of the United States and the equivalent provisions in State Constitutions, the right to be free

from illegal civil rights deprivations under 42 U.S.C. 1983, 1985 and 1986, freedom of speech and assembly under the First Amendment to the Constitution of the United States and the equivalent provision in State Constitutions, freedom from illegal search and seizure under the Fourth Amendment to the Constitution of the United States and the equivalent provision in State Constitutions, freedom from cruel and unusual punishment under the Eighth Amendment to the Constitution of the United States and the equivalent provision in State Constitutions.

WHEREFORE, petitioners request that this Tribunal make: A statement of findings declaring the following:

19. there exists within the United States people who are political prisoners and prisoners of war incarcerated for their opposition to the policies of the U.S. government and/or their involvement in movements for national liberation;

a. As to the petitioners claiming status as prisoners of war, the defendants have illegally denied such petitioners the Prisoner of War Status guaranteed by the Geneva Convention Relative to the Treatment of POW's and the Additional Protocols; United Nations General Assembly Resolution 1514 (XV), and 2625 (XXV); Resolution 2621(XXV); Resolution 3103(XXVIII);

b. Further, with respect to those petitioners who avail themselves of the protection of United States law, the defendants have illegally violated the Petitioners' Constitutional and Statutory rights including the right of Due Process under the Fifth and Fourteenth Amendments to the Constitution of the United States, Equal Protection of the Laws under the Fifth and Fourteenth Amendments, the Right to be Free from Illegal Civil Rights Deprivations under 42 U.S.C. 1983, 1985 and 1986, Freedom of Speech and Assembly under the First Amendment, Freedom from Illegal Search and Seizure under the Fourth Amendment, Freedom from Cruel and Unusual Punishment under the Eighth Amendment, and all the equivalent provisions in the respective State Constitutions.

20. the United States and its political subdivisions where political prisoners and prisoners of war are incarcerated have violated international law in criminalizing political opposition to government policies and refusing to recognize the legitimacy of the national liberation movements of African American, Mexicano, Native American, and Puerto Rican peoples; and in refusing to recognize the legitimacy of the solidarity of Euro-American persons with national liberation movements and/or for human rights and peace.

21. the United States and its political subdivisions wherein political prisoners and prisoners of war are incarcerated have violated international law by continuously refusing to allow the exercise of the right to self-determination by African American, Mexicano, Native American and Puerto Rican peoples;

22. the United States and those states wherein political prisoners and prisoners of war are incarcerated have violated international law in that they have engaged in a pattern of conduct constituting genocide against African American, Mexicano, Native American and Puerto Rican peoples;

23. the United States and those states wherein political prisoners and prisoners of war are incarcerated have violated international law by failing to recognize fundamentally accepted international principles of due process, fair trial and humane treatment;

A declaration that:

24. the convictions of the petitioners are null and void and the U.S. government and its political subdivisions must release them and/or permit them to go to any country willing to accept them.

25. the Petitioners are entitled to full compensation for their wrongful imprisonment.

Dated: New York, New York
November 28, 1990

LENNOX S. HINDS, ESQUIRE

JAN SUSLER, ESQUIRE
SPECIAL PROSECUTORS

The following organizations and individuals join the petitioners:

National Petitioners

Black and Puerto Rican Studies Department, Hunter College
Brehon Irish Law Society of New York
Christian Church (Disciples of Christ), Church Action for Safe and Just Communities
Clergy and Laity Concerned
Comité Unitario Contra La Represión-CUCRE
Community Self Defense Program
December 12th Movement
Emergency Committee on Political Prisoners Rights
Evening Session Student Government, Hunter College
Freedom Now!
Free Puerto Rico Committee
Friends of the Ohio 7
General Board of Church and Society, United Methodist Church
Interfaith Prisoners of Conscience Project of the Prophetic Justice Unit/NCC
International League for the Rights and Liberation of Peoples
Movimiento de Liberación Nacional (MLN-PR)
National Lawyers Guild
New Afrikan People's Organization-NAPO
Prairie Fire Organizing Committee-PFOC
Racial Justice Working Group of the National Council of Churches
Research Committee on International Law and Black Freedom Fighters
United Church Board for Homeland Ministries, UCC
United Church Board for World Ministries, World Issues Office, UCC
War Resisters League

Local Petitioners

Action for Community Empowerment (ACE)
African and Caribbean People's Resource Center
All African People's Revolutionary Party
American Indian Movement-AIM
Association of Legal Aid Lawyers of New York
Brooklyn Political/POW Prisoner Committee
Chicago Committee in Solidarity with the People of El Salvador-CISPES
Central American Solidarity Committee-Hunter College Evening Session
Committee Against Anti-Asian Violence
Committee on Freedom for Political Prisoners in the US
Committee to End the Marion Lockdown
Comité en Defensa de Derechos Ciudadanos, Inc. CDDC
Concerned Japanese Americans
Consortium on Peace Research, Education Development/COPRED
Eighth Day Center for Peace and Justice
Freedom and Justice Legal Defense Fund:
Mondo/Poindexter Committee
Freedom Socialist Party
Friends and Family of Grand Jury Resisters
Haiti Progrés
Immobilize Apartheid Coalition
International Association of Democratic Lawyers
International Campaign to Free Geronimo ji Jaga Pratt
International Indian Treaty Council
John Brown Anti-Klan Committee
Korea Working Group
Lawyers Committee for Human Rights
Michigan Faith and Resistance
Midwest Committee in Solidarity with the People of El-Salvador-CISPES

Metodistas Asociados Representando la Causa Hispano-Americana (MARCHA)
Movimiento de Liberación Nacional Mexicano
National Alliance against Racist and Political Repression
National Black United Front
National Chicano Human Rights Council
National Coalition against Censorship
National Committee To Free Puerto Rican Prisoners of War
National Committee for Independent Political Action (NCIPA)
National Conference of Black Lawyers-NCBL
National Religious Task Force on Criminal Justice
Native American Support Network
New York Circus
New York 3 Freedom Campaign
Nicaragua Solidarity Network
Out of Control
Palestine Solidarity Committee
Patrice Lumumba Coalition
Pensamiento Crítico
People's Law Office
Plowshares Defense Fund
Progressive Union of Columbia Students
Provisional Government, Republic of New Afrika-RNA
Queens 2 Defense Committee
Radical Women
Resurrection Roman Catholic Church
Robeson Defense Committee
The Catholic Worker-Olive Branch
The Fourth Wall Theater
Third World Newsreel
Venceremos Brigade-NY Regional
Washington Area Committee for Political Prisoners Rights
West Coast Eddie Hatcher Defense Committee
West Town Community Law Office
Women Against Imperialism
Women in Support of Political Prisoners

**Individual
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